

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

**Bent Tree Apartment Manager, LLC,
c/o Statutory Agent Douglas Segerman
1160 Dublin Road, Suite 400
Columbus, Ohio 43215**

Case NO.:

Plaintiff,

JUDGE:

v.

**ROEHL TRANSPORT INC.
c/o BOC-3 Agent Desirae Dzierwa
7882 Dana Rae Dr.
Waterville, Ohio 43566**

**JURY DEMAND
ENDORSED HEREON**

Also Serve:

**ROEHL TRANSPORT INC.
c/o Statutory Agent Richard Roehl
1916 E. 29th St
Marshfield, Wisconsin 54449-5401**

and

**LESLIE CORNELIUS JOHNSON
4 Knoxville Homes
Talladega, Alabama 35160**

and

**JOHN DOES NO. 1-3
Name Unknown
Address Unknown**

Defendants.



COMPLAINT

Plaintiff, Bent Tree Apartment Manager, LLC ("Plaintiff") for its Complaint against Defendants, Roehl Transport, Inc., Leslie C. Johnson, and John Does #1 through #3 ("Defendants"), states as follows:

Parties

1. Plaintiff, Bent Tree Apartment Manager, LLC is an active limited liability company with the Secretary of State of Ohio. Plaintiff owns and manages the Bent Tree Apartments located at 7200 Chadwood Lane, Columbus, Ohio 43235.

2. Defendant, Roehl Transport, Inc. is a Wisconsin corporation with its principal place of business located at 1916 E. 29 Street, Marshfield, WI 54449. Roehl Transport, Inc. does not appear to be registered as a foreign entity with the Ohio Secretary of State.

3. Defendant, Leslie Cornelius Johnson was, at all pertinent times relevant to this Complaint, an employee/driver for Roehl Transport, Inc., operating his vehicle in Columbus, Ohio. Defendant Johnson's last known address was 4 Knoxville Homes, Talladega, Alabama 35160.

4. John Does Nos. 1 through 3, whose names could not be discovered by the Plaintiff, were also involved in the acts and omissions giving rise to this Complaint, including operation of the vehicle, supervision of the driver and maintenance of the vehicle.

5. On or about October 21, 2020, Defendants operated a motor vehicle within Columbus, Franklin County, Ohio giving rise to a collision with a carport/structure located at the Bent Tree Apartment complex, resulting in damage to Plaintiff's property.

6. This Court has personal jurisdiction over all parties based on Defendants' business activities and actions within this judicial district giving rise to Plaintiff's claims for relief.

7. This Court is the proper venue under Ohio Civil Rule 3(C).

FACTS

8. On October 21, 2020, Defendant Leslie C. Johnson was operating a commercial tractor trailer for Defendant Roehl Transport, Inc., Unit Number 2394, and delivering construction materials to Plaintiff's apartment complex, the Bent Tree Apartments located at 7200 Chadwood Lane, Columbus, Ohio 43235.

9. Video and witness statements from the scene confirm that Mr. Johnson's commercial tractor trailer hit the carport and caused it to collapse not only damaging the carport but also the property below and around it, including the landscaping and the parking area.

10. At the time of the accident, Defendant Leslie C. Johnson was operating within the scope of his employment for Roehl Transport, Inc., US DOT 074481 and MC 127651.

11. Roehl Transport, Inc., as employer or principal of Defendant Leslie C. Johnson, is jointly and severally liable for Defendant Johnson's conduct under the doctrine of respondeat superior.

COUNT ONE – NEGLIGENCE

12. Plaintiff incorporates the allegations contained in paragraphs 1-11 as if fully rewritten herein.

13. Defendants negligently and recklessly operated their vehicle by failing to use reasonable care and by failing to maintain control of their vehicle, causing the vehicle to strike Plaintiff's carport at the Bent Tree Apartment Complex, causing severe damage to the structure, thereby resulting in damages to, including but not limited, real and personal property.

14. As a direct and proximate result of Defendants' negligence, Plaintiff also suffered interruptions to its business' operations, including lost business opportunities, lost profits, lost rental income, displaced tenants, or terminated agreements with Plaintiff.

15. As a direct and proximate result of the negligence of Defendants, Plaintiff was injured and has incurred damages in excess of \$25,000.00.

COUNT TWO – NEGLIGENCE PER SE

16. Plaintiff incorporates the allegations contained in paragraphs 1-15 as if fully rewritten herein.

17. Upon information and belief Defendants' conduct violated various sections of the Ohio Revised Code, and constitutes negligence per se.

18. As a direct and proximate result of the negligence per se of Defendants, Plaintiff sustained injuries in excess of \$25,000.

COUNT THREE – TRESPASS AND DAMAGE TO REAL PROPERTY

19. Plaintiff incorporates the allegations contained in paragraphs 1-18 as if fully rewritten herein.

20. On October 21, 2020, Defendants, without authorization or privilege by exceeding their authorization or privilege, and through their intentional acts, caused their persons and vehicles to unlawfully enter upon and physically invade the land of Plaintiff, causing damage to real property then under the control and possession of Plaintiff.

21. Defendants' actions constituted trespass and the wrongful taking/detainment of Plaintiff's real property, caused physical damage thereto, resulted in interruption to Plaintiff's business operations, among other damages, and therefore entitles Plaintiff to compensation.

22. As a result of Defendants' trespass and taking/detainment of Plaintiff's property, Plaintiff has been damaged in an amount in excess of \$25,000.00.

COUNT FOUR – CONVERSION

23. Plaintiff incorporates the allegations contained in paragraphs 1-22 as if fully rewritten herein.

24. Ohio courts recognize the common law cause of action known as conversion. Conversion is the wrongfully exerted control over the personal property of another in a manner inconsistent with the owner's rights.

25. Plaintiff owned and maintained a right to the real and personal property contained within the business damaged by Defendants' actions or inactions on or about October 21, 2020.

26. Defendants' wrongful acts caused damage to, altered, or disposed of Plaintiff's rights to said property, constituting conversion.

27. As a result of Defendants' conversion of Plaintiff's real and personal property, Plaintiff has been damaged in an amount in excess of \$25,000.00. Further, Plaintiff is entitled to its attorney's fees and punitive damages as a result.

Wherefore, Plaintiff Bent Tree Apartment Manager, LLC demands judgment against Defendants, jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), plus attorney's fees, punitive damages, pre-judgment interest, post-judgment interest and costs, and all other relief to which Plaintiff may be entitled at law or in equity.

Respectfully submitted,

LUPER NEIDENTHAL & LOGAN
A Legal Professional Association

/s/ Douglas J. Segerman

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JURY DEMAND

Plaintiff, Bent Tree Apartment Manager, LLC hereby demands a jury composed of the maximum number of jurors allowed at law.

Respectfully submitted,

LUPER NEIDENTHAL & LOGAN
A Legal Professional Association

/s/ Douglas J. Segerman

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